

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

KUANGHUEI LIANG, *et al.*,

Plaintiffs,

v.

JOYCELYN ANDERSON,

Defendant.

Case No. 2:21-cv-00596-TLN-JDP (PS)

SCREENING ORDER

ECF No. 1

ORDER GRANTING MOTIONS TO
PROCEED IN FORMA PAUPERIS

ECF Nos. 2, 3, 4

FINDINGS AND RECOMMENDATIONS
THAT THIS CASE BE DISMISSED

OBJECTIONS DUE WITHIN 14 DAYS

ORDER

Plaintiffs move to proceed without prepayment of filing fees. ECF Nos. 2, 3, 4.

Plaintiffs' affidavits satisfy the requirements to proceed without prepayment of fees. *See* 28 U.S.C. § 1915(a). Thus, the motions, ECF Nos. 2, 3, 4, are granted.

FINDINGS AND RECOMMENDATIONS

Having granted plaintiffs' motions to proceed *in forma pauperis*, this complaint is now subject to screening under 28 U.S.C. § 1915(e). The court must dismiss any action filed in forma pauperis that is frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief against a defendant who is immune from suit. 28 U.S.C. § 1915(e)(2)(B).

1 Plaintiffs bring this case as an attempt to have criminal charges brought against a neighbor
2 because of past disputes. ECF No. 1. Plaintiffs have had substantially similar lawsuits dismissed
3 both as patently frivolous and for lack of jurisdiction. *See, e.g., Liang v. Anderson*, 2:21-cv-
4 00557-JAM-AC, Findings and Recommendations at ECF No. 5 (April 2, 2021) (recommending
5 dismissal of plaintiffs' case as frivolous because citizens cannot bring criminal charges), adopted
6 May 21, 2021; *Liang v. Anderson*, 2:21-cv-00594-JAM-KJN, Findings and Recommendations at
7 ECF No. 5 (May 4, 2021) (same), adopted June 2, 2021; *Liang v. Anderson*, 2:20-cv-01990-JAM-
8 DB, Findings and Recommendations at ECF No. 3 (March 29, 2021) (recommending dismissal
9 without leave to amend for lack of jurisdiction), adopted June 29, 2021. Duplicative lawsuits
10 filed by a plaintiff proceeding in forma pauperis are subject to dismissal as either frivolous or
11 malicious under 28 U.S.C. § 1915(e). *See, e.g., Cato v. United States*, 70 F.3d 1103, 1105 n.2
12 (9th Cir. 1995). This case is duplicative of those cases and equally frivolous because plaintiff
13 cannot bring criminal charges.

14 Accordingly, it is recommended that plaintiff's case be dismissed with prejudice as
15 frivolous.

16 I submit these findings and recommendations to the district judge under 28 U.S.C.
17 § 636(b)(1)(B) and Rule 304 of the Local Rules of Practice for the United States District Court,
18 Eastern District of California. Plaintiffs may, within 14 days of the service of the findings and
19 recommendations, file written objections to the findings and recommendations with the court.
20 Such objections should be captioned "Objections to Magistrate Judge's Findings and
21 Recommendations." The district judge will review the findings and recommendations under 28
22 U.S.C. § 636(b)(1)(C).

23 IT IS SO ORDERED.
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25 Dated: October 31, 2021


26 JEREMY D. PETERSON
27 UNITED STATES MAGISTRATE JUDGE
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